

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
JUNE 6, 2005**

PRESENT: Leon Lauer, Mary Blake, Jeannie Bush, Janice Boeck, Jeffrey Patterson, Nancy Paggao, and E. Rod Gottfredsen

STAFF PRESENT: Kimberly Nania, Director, Board Services; Dennis Schuh, Legal Counsel; Pat Schenck, Program Assistant; Dr. Barbara Showers, Director, Office of Education and Examination; Judy Mender, Credentialing; Darwin Tichenor, Exam Specialist; and Division of Enforcement Staff

GUESTS: Vera Harris; Mary Kiley, NCAWI; Lorraine Botelho, Lorraine's Salon; Barbara Robakowski and Mary Pierce DWD/BAS; Mary Kardoskee, NCAWI; Kathy Schauer, Joan Kornitz, WCTC Pewaukee; Hafuzah Ahmad, BAS; John Kwitek, Martins College of Cosmetology; Fern Michaels, Academy of Cosmetology; Aime Haimerl, Ashley Mrogenski, Amanda Kiteron, Anita Guenthner, Hilary Johnson, Ani R., Corry Thomas, Neah Forster, Amanda Klemp, Larysa Klimerho, State College of Beauty Culture

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:30 a.m. A quorum of eight members was present.

Mr. Lauer welcomed guests attending the meeting.

Kimberly Nania, Division Administrator of Board Services, reported that Jerry Lowrie has resigned as the Bureau Director with the Department and that she will be filling in as the Bureau Director of Business and Design until the Secretary of the Department appoints a new Bureau Director.

Dr. Nania introduced Secretary Ceilia Jackson. Secretary Jackson thanked the members of the Board for their service.

Mr. Lauer introduced Nancy Paggao, private school representative, and Vera Harris, public member, as new members of the Board. Ms. Paggao and Ms. Harris provided a brief background on their professional background and experience.

AGENDA

MOTION: Mary Blake moved, seconded by Janice Boeck, to approve the agenda as published or with additions. Motion carried unanimously.

MINUTES OF MARCH 7, 2005

MOTION: Janice Boeck moved, seconded by E. Rod Gottfredsen, to approve the minutes of March 7, 2005 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT – KIMBERLY NANIA, DIVISION ADMINISTRATOR

NEW PUBLIC MEMBER INFORMATION

Information only.

2005 MEETING DATES

The Board will meet on September 12, 2005.

2006 MEETING DATES

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to approve the 2006 meeting dates. Motion carried unanimously.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Mr. Schuh reported that the Department is working on the BC rule revisions including microdermabrasion.

SMALL BUSINESS REGULATORY REVIEW BOARD

Dr. Nania presented information regarding the Small Business Regulatory Advisory Committee and responded to members' questions.

SCOPE STATEMENT AMENDING BC 1.01(6) – HOUSEHOLD BLEACH AS A DISINFECTANT

The Board reviewed the scope statement with revision as noted by Ms. Nania.

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to accept the scope statement as written amending BC 1.01(6) - removing household bleach as a disinfectant. Motion carried unanimously.

TRAVEL

NABBA 79TH ANNUAL CONFERENCE – SEPTEMBER 17-22, 2005, MYRTLE BEACH, SC

MOTION: E. Rod Gottfredsen moved, seconded by Mary Blake, to nominate Jeffrey Patterson to attend NABBA's 79th Annual Conference on September 17-22, 2005 at Myrtle Beach, SC. Leon Lauer or Nancy Paggao is the alternates. Motion carried unanimously.

EXAMINATION AND EDUCATION

Distance Education – Darwin Tichenor

Darwin Tichenor addressed the Board regarding policies for evaluating and approving proposals to provide training via distance learning technologies. Mr. Tichenor will provide additional detail for the Board's review at a future Board meeting.

PRACTICE ISSUES

Discussion of Foot Spas/Sanitation

Mr. Lauer led the discussion of foot spas and sanitation issues.

Dr. Nania reported that the recommendations for disinfection of foot spas adopted by the Board and published by the Division of Public Health, Bureau of Communicable Disease and Preparedness is on the Department's website.

Dr. Nania directed guests and Board members to the Department's website <http://drl.wi.gov> to obtain information on credential holders, application packets, renewal information, discipline, current Wisconsin Statutes and Administrative Code, Board meeting agendas, minutes, frequently asked questions and answers, including Board information for all professions within the Department.

The Board and guests discussed whether a rule change should be required regarding the sanitation of foot spas, as a policy alone will not protect the public.

MOTION: E. Rod Gottfredsen moved, seconded by Nancy Paggao, to draft a scope statement to deal with the issue of sanitation of foot spas. Motion carried unanimously.

NATIONAL-INTERSTATE COUNCIL (NIC)

Recommendations for Proposed Bylaw Amendments

Information only.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

None.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

- i. Bay Van Duong, Hollywood Nails – 02 BAC 109
- ii. Natalya Bendt, Kids Cuts – 03 BAC 008
- iii. Perfect Nails, Viet Hoang Nguyen – 04 BAC 044
- iv. Alex A. White, White's Barber Shop – 02 BAC 094
- v. Lori A. Deschner and Panache – 04 BAC 009
- vi. Tan Ngoc Nguyen, La Nails – 03 BAC 054 and 03 BAC 082
- vii. Faustos Image Hair Studio, Fausto I. Delgado – 03 BAC 026
- viii. Jill M. Polakowski 04 BAC 073

CONSULTING WITH LEGAL COUNSEL

None.

VISITORS COMMENTS

A visitor questioned administrative rules BC 4.02 and BC 4.09 regarding disinfectant of combs and brushes. The Board will revisit the wording of these rules.

Other issues discussed included applying make-up offsite at fashion shows and weddings, microdermabrasion and chemical peels.

CLOSED SESSION

MOTION: Jeannie Bush moved, seconded by E. Rod Gottfredsen, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Jeannie Bush-yes, Janice Boeck-yes, Mary Blake-yes; Jeffrey Patterson-yes; E. Rod Gottfredsen-yes; Nancy Paggao-yes; Vera Harris-yes.

Open session recessed at 11:30 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Jeannie Bush moved, seconded by Mary Blake, to reconvene into open session at 11:55 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS AND CITATIONS

MOTION: E. Rod Gottfredsen moved, seconded by Janice Boeck, to close the following cases:

02 BAC 100 prosecutorial discretion (P2)

02 BAC 098 insufficient evidence

02 BAC 054 insufficient evidence

02 BAC 128 insufficient evidence

04 BAC 003 no violation

04 BAC 109 prosecutorial discretion (P2)

03 BAC 016 prosecutorial discretion (P5)

03 BAC 020 insufficient evidence

04 BAC 105 prosecutorial discretion (P2)

02 BAC 028 no violation

04 BAC 040 prosecutorial discretion (P2)

Motion carried unanimously.

MOTION: Jeffrey Patterson moved, seconded by E. Rod Gottfredsen, to adopt the citation for administrative forfeiture on cases **04 BAC 013** and **04 BAC 038**. Motion carried unanimously.

STIPULATIONS

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to accept all the Stipulations as written in the matter concerning the Board. Motion carried unanimously.

BAY VAN DUONG, HOLLYWOOD NAILS – 02 BAC 109

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Bay Van Duong, Hollywood Nails – 02 BAC 109**. Motion carried unanimously.

NATALYA BENDT, KIDS CUTS – 03 BAC 008

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Natalya Bendt, Kids Cuts – 03 BAC 008**. Motion carried unanimously.

PERFECT NAILS, VIET HOANG NGUYEN – 04 BAC 044

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Perfect Nails, Viet Hoang Nguyen – 04 BAC 044**. Motion carried unanimously.

ALEX A. WHITE, WHITE’S BARBER SHOP – 02 BAC 094

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Alex A. White, White’s Barber Shop – 02 BAC 094**. Motion carried unanimously.

LORI A. DESCHNER AND PANACHE – 04 BAC 009

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Lori A. Deschner and Panache – 04 BAC 009**. Motion carried unanimously.

TAN NGOC NGUYEN, LA NAILS – 03 BAC 054 AND 03 BAC 082

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Tan Ngoc Nguyen, La Nails – 03 BAC 054 and 03 BAC 082**. Motion carried unanimously.

FAUSTOS IMAGE HAIR STUDIO, FAUSTO I. DELGADO – 03 BAC 026

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Faustos Image Hair Studio, Fausto I. Delgado – 03 BAC 026**. Motion carried unanimously.

JILL M. POLAKOWSKI 04 BAC 073

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Jill M. Polakowski 04 BAC 073**. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Jeffrey Patterson moved, seconded by E. Rod Gottfredsen, to accept the administrative warning as written in the matters concerning:

Linda A. Latona 03 BAC 115

Ava's 03 BAC 114.

Eva Kuzminski 03 BAC 114

Artistry in Hair 03 BAC 114

Annette Spence 03 BAC 115

Sonyea'z Hair FX 03 BAC 115

Case Advisor, Leon Lauer. Motion carried unanimously.

**PROPOSED DECISION
EXAMINATION ISSUES
APPLICATIONS
REINSTATEMENT REQUESTS
CONSULTING WITH LEGAL COUNSEL**

None.

ADJOURNMENT

MOTION: Jeannie Bush moved, seconded by Janice Boeck to adjourn the meeting at 12:00 noon. Motion carried unanimously.

NEXT MEETING: September 12, 2005